



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,339	10/14/2003	G. Eric Engstrom	109909-135059	7182
25943	7590	08/09/2005	EXAMINER	
SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			STEIN, JULIE E	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/686,339	Applicant(s) ENGSTROM ET AL.	
	Examiner Julie E. Stein, Esq.	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3-5, 7-8, 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,381,474 to Kraft.

Kraft discloses all the elements of independent claims 1 and 5 and dependent claims 3-4, and 7, including a mobile communication device (Figure 1, mobile phone) comprising: a plurality of functions to support a plurality of activities to be performed using the mobile communication device (Figure 2 and column 3, lines 10 to 56), the activities including at least a call activity (Figure 3 and column 3, lines 3, Call Options); a navigation button (column 3, lines 25 to 50, scroll key 9); and a menu driver to facilitate a user to navigate from one activity to another (this is inherent base on the menu

Art Unit: 2685

structure used by the phone), in response to user inputs provided through the navigation button (Figure 3), including saving a first state of a first activity from which the user is navigating from (column 4, lines 9 to 57, the redo and undo concept), and entering a second state of a second activity to which the user is navigating to (Figure 3, selecting an option, column 3, line 58 to column 4, line 3), the second state being the state in which the user last left the second activity (column 4, lines 9 to 57, the redo and undo concept) and among selectable sub-activities of one activity, including presenting the selectable sub-activities as a nested scrollable list of selectable sub-activities of the activity (Figure 3, menus).

The rejections of claim 1 and 5 are hereby incorporated. Kraft discloses all the elements of independent claims 8 and 11, and dependent claim 10, including in a mobile communication device (Figure 1), a method of operation, comprising: receiving a user navigation input (Figure 3); and in response, navigating from a first activity to a second activity (Figure 3, selecting an option, column 3, line 58 to column 4, line 3), including saving a first state of the first activity from which the user is navigating from (Figure 3, and column 4, lines 9 to 57 describing the redo and undo concept), and entering to a second state of the second activity to which the user is navigating to (Id.), the second state being the state in which the user last left the second activity and navigating into one of a plurality of selectable sub-activities of an activity (Id.), including presenting the selectable sub-activities as a nested scrollable list of selectable sub-activities of the activity (Figure 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 6, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft in view of U.S. Patent Application Publication 2002/0173299 to Buchholz et al.

Kraft teaches all the elements/steps of claims 2, 6, 9, and 12, except that the first activity is a call activity, a chat activity, a radio activity, or a web browsing activity and the second activity is a different one of said activities or where the activity selected is one of said activities. However, Buchholz teaches a method in which a user participates in a chat activity, opts to suspend the chat in order to return to a main menu to select a voice dialing option, and then returns to the chat that has been suspended. See Figures 3 and 6, and paragraphs 24 to 34, and 38. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Kraft to include various activities from which a user could choose as it is known in the art that mobile phones have various options (see, Kraft, Figure 3, element 20, listing phonebook, messages, call options, and so on) and to understand that a user would switch between these various options due to the increase in information and services available to them and that the method taught by Buchholz allows a single input device to provide multiple input functionality (see paragraphs 1 to 3).

Art Unit: 2685

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Publication Nos. 2003/0032455 to Watanabe et al teaches a method in which simple and detailed menus are used in a mobile phone and 2002/0077158 to Scott teaches a mobile phone in which various types of calls may be highlighted and dealt with in various ways.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JES


8-4-2005

**NGUYENT.VO
PRIMARY EXAMINER**